

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LILLY JONES and MICHAEL JONES,)
)
)
Plaintiffs,)
)
)
-vs.-) 08-C-1310
)
)
STEVIE PORTER, HARLAN)
HANBROUGH, AURORA LOAN) Judge Hibbler
SERVICES, and MORTGAGE)
ELECTRONIC REGISTRATION) Magistrate Judge Schenkier
SYSTEMS, INC.,)
)
)
Defendants.)

HARLAN HANSBROUGH,)
)
)
Counter-Claimant,)
)
)
-vs.-)
)
LILLY JONES and MICHAEL JONES,)
)
)
Counter-Defendants.)

MOTION FOR DEFAULT ORDER

NOW COMES Defendant Harlan Hansbrough, sued as Harlan Hanbrough, by and through his undersigned attorney, and pursuant to Rule 55 of the Federal Rules of Civil Procedure, moves this court for the entry of a default order against Plaintiffs/Counter-Defendants Lilly Jones and Michael Jones and Defendant/Cross-Defendant Stevie Porter. In support of said motion, Defendant states as follows:

1. On March 4, 2008, Plaintiffs Lilly Jones ("Lilly") and Michael Jones ("Michael") commenced the present action by filing their Complaint (the "Complaint").

2. On May 19, 2008, Defendant Harlan Hansbrough, sued as Harlan Hanbrough (“Harlan”) filed his Answer to Complaint, Affirmative Defenses, Counterclaim (the “Counterclaim”) and Cross-Claim (the “Cross-Claim”) against Defendant/Cross-Defendant Stevie Porter (“Porter”) and against Plaintiff/Counter-Defendants Lilly and Michael.

3. Lilly and Michael were served with a copy of Harlan’s Counterclaim on May 19, 2008, through electronic service on their attorney.

4. On June 28, 2008, Porter was served with a copy of the Cross-Claim by substitute service. A copy of the service affidavit is attached hereto as Exhibit “A”.

5. To date, Porter has not filed an appearance in this action. Additionally, Porter has not filed a response to the Cross-Claim. As a result, pursuant to the provisions of Rule 12 of the Federal Rules of Civil Procedure, Porter is in default.

6. On July 1, 2008, Harlan’s attorney sent to counsel for Lilly and Michael an e-mail reminding counsel of the need for a response to the Counterclaim filed on May 19. A copy of the July 1 e-mail is attached hereto as Exhibit “B”.

7. During a telephone conversation on July 7, 2008, Harlan’s attorney again reminded counsel for Lilly and Michael of the necessity of a response to the Counterclaim. Counsel promised to "look into" the matter.

8. Notwithstanding the foregoing, Lilly and Michael have yet to file a response to the Counterclaim. As a result, pursuant to Rule 12 of the Federal Rules of Civil Procedure, Lilly and Michael are in default.

WHEREFORE, the Defendant/Counter-Plaintiff Harlan Hansbrough, sued as Harlan Hanbrough, prays for the entry of a default order against Plaintiffs/Counter-Defendants Lilly Jones and Michael Jones as well as against Defendant/Cross-Defendant Stevie Porter and for such further and additional relief as this Court deems just and appropriate.

HARLAN HANSBROUGH

By: */s/ James A. Larson*

One of its Attorneys

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